



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

July 29, 1991

Mr. Marcos Hernandez, Jr.  
District Attorney  
Hays County Court House  
Room 208  
San Marcos, Texas 78666

OR91-346

Dear Mr. Hernandez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12860.

The Hays County Sheriff's Department received an open records request for the names and addresses of individuals who have been arrested for certain specified offences. You do not contend that the requested information is excepted from required public disclosure, and in fact these types of information have previously been held to be public. *See, e.g.,* Open Records Decision No. 366 (1983) (copy enclosed).

You inquire whether the information must be released "as soon as these people are placed under arrest or if they need to be formally charged." The information at issue becomes public information once it has been transcribed in a tangible form. *See* Open Records Decision No. 347 (1982). It is not clear to this office the basis of your concern for wanting to withhold the information until the arrestee has been formally charged with the crime for which he or she was arrested; the requested information would be public regardless of whether criminal charges are ever brought or the charges are later dismissed.

You also inquire whether "it make[s] a difference if [the requestor] is compiling this information for purposes of selling his data to private companies or individuals." Section 5 of the act provides, in pertinent part:

(b) Neither the officer for public records nor his agent shall make any inquiry of any person who applies for inspection or copying of public records beyond the purpose of establishing

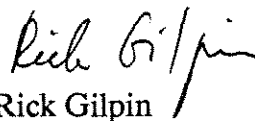
proper identification and the public records being requested . . . .

(c) The officer for public records or the officer's agent shall treat each request for information uniformly without regard to the position or occupation of the person making the request or the person on whose behalf the request is made or because the individual is a member of the media.

These provisions prohibit the sheriff's department from asking why the requestor seeks the information. Attorney General Opinion MW-307 (1981); Open Records Decision No. 127 (1976). Consequently, the motives of an individual in seeking specific information are irrelevant as to the question of whether public information must be released. *See, e.g.,* Open Records Decision No. 489 (1988). *But see* Bus. & Com. Code § 35.54 (crime victim information may not be used for commercial purposes).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-346.

Yours very truly,



Rick Gilpin  
Assistant Attorney General  
Opinion Committee

RG/RWP/lb

Ref.: ID# 12860

Enclosures: Open Records Decision No. 366

cc: Charles Miller  
President  
Central Texas Information Services  
P.O. Box 1204  
Pflugerville, Texas 78660-1204